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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/588,003	06/06/2000	Thomas Muller	006918.00007	8997
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EXAMINER				
ZIA, SYED				
ART UNIT		PAPER NUMBER		
2131				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/588,003

Applicant(s)

MULLER ET AL.

Examiner

SYED ZIA

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9, 27, 29, and 33-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9, 27, 29, 43 and 44 is/are rejected.
- 7) ☒ Claim(s) 33-42 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This office action is in response to amendment and request for reconsideration filed on January 01, 2008. Original application contained Claims 1-32. Applicant previously amended Claims 9, and 29 Applicant currently previously Claims 1-8, 10-26, 28, 30-32, and added new Claims 33-42. Applicant currently amended Claims 9, 27, 33-37, and added new Claims 43-44. The amendment filed on January 01, 2008 have been entered and made of record.

Allowable Subject Matter

3. Claims 33-42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed on January 01, 2008 have been fully considered but they are not persuasive because of the following reasons:

Regarding Claims 9, 27, and 29 applicants argued that in the system of cited prior arts [Dascalu U. S. Patent 6,754,713] “*Dascalu does not disclose that the protocol scanner 16 instructs an authentication component to authenticate a communicating device in order to*

determine whether a message is permitted or not. Dascalu merely discloses that if the protocol scanner 16 detects an event/message between devices which is not permitted, that the communication session is terminated, and Dascalu does not disclose any authentication process”.

This is not found persuasive. The system of cited prior art, the Protocol Scanner, is a set of software routines that scans data in Received Data Buffer and compares it with Access Rules to determine whether the message is permitted or not. When Protocol Scanner 16 detects an event which is not permitted, Protocol Scanner generates a message which will terminate the communication session in which that event took place. And if Protocol Scanner detects that an event not permitted according to Access Rules occurred over the network, a session wall issues a message which will terminate that communication session. Accordingly, a session wall sends a message to both parties involved in the session. In a message to the server, a session wall either notifies that the client wishes to close the current session, or it sends a specific "terminate session" message to the server using the particular communication protocol used by the server. That message causes the server to stop responding to additional client messages in that specific session (col. 4 line 25 to line 60).

Thus, the system of cited prior art provides a system that relates to system security architecture for devices which are accessed through a communication network. Therefore, the examiner asserts that the system of cited prior arts does teach or suggest the subject matter broadly recited in independent Claims 1, 27, 29, and 43 and in subsequent dependent Claims. Accordingly, rejection for claims 9, 27, 29, and 43-44 is respectfully maintained.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 9, 27, 29, and 43-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Dascalu U. S. Patent 6,754,713.

Regarding Claim 9 teaches and describes a apparatus(Fig.1-3, col.2 line 20 to col.3 line 60), comprising: at least a first application; an authentication component configured to authenticate a communicating device; an access control component accessible by a communicating device requesting access to the first application without the communicating device having been authenticated by the authentication means, and arranged to arbitrate whether access of the communicating device to the first application is granted or refused wherein if the arbitration requires an authentication of the communicating device, the access control component configured instructs the authentication component to authenticate the communicating device, wherein the access control component is configured receives indications originating from the

communicating device identifying the communicating device and the application requested (col.4 line 25 to col.5 line 67).

Regarding Claim 27 Dascalu teaches and describes a apparatus ((Fig.1-3, col.2 line 20 to col.3 line 60), comprising: at least first and second applications; authentication component for authenticating a communicating device; first access control component accessible by a communicating device requesting access to the first application without the communicating device having been authenticated by the authentication means, and arranged to arbitrate whether access of the communicating device to the first application is granted or refused wherein if the arbitration requires an authentication of the communicating device, the access control component configured to instructs the authentication component to authenticate the communicating device; second access control component configured to accessible by a communicating device requesting access to the second application without the communicating device having been authenticated by the authentication means, and arranged to arbitrate whether access of the communicating device to the second application is granted or refused wherein if the arbitration requires an authentication of the communicating device, the second access control component instructs the authentication component to authenticate the communicating device, wherein the first access control component is accessible by a communicating device requesting access to the second application without the communicating device having been authenticated by the authentication means, and is arranged to provide the access of the communicating device to the second access control component (col.4 line 25 to col.5 line 67).

Regarding Claim 29 Dascalu teaches and describes a method of arbitrating the access of a requesting device to a service provided by a providing device ((Fig.1-3, col.2 line 20 to col.3 line 60) comprising: sending a request to access the service from the requesting device to the providing device; receiving the request at the providing device and passing it, without authenticating the requesting device, to an arbitration component interfacing the service; determining, in the arbitration means, whether to grant or refuse access to the first application by the requesting device, wherein if the determination requires an authentication of the requesting device, the authentication is performed during that determination and not previously, wherein the determination is made on the basis of the identity of service requested and/or the identity of the requesting device (col.4 line 25 to col.5 line 67).

Regarding Claim 43 Dascalu teaches and describes a method comprising: receiving a request to access an application and passing it, without authenticating the requesting device, to an arbitration component interfacing the service; and determining, in the arbitration component, whether to grant or refuse access to the application, wherein if the determination requires an authentication of the requesting device, the authentication is performed during that determination and not previously, wherein the determination is made on the basis of the identity of the application requested (col.4 line 25 to col.5 line 67).

As per Claim 43 wherein the determination is made on the basis of the identity of the requesting device (col.5 line 5 to line 20).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SYED ZIA whose telephone number is (571)272-3798. The examiner can normally be reached on 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

sz

March 31, 2008

/Syed Zia/

Primary Examiner, Art Unit 2131